United Nations ST/IC/2013/10

Secretariat

15 March 2013

Information circular*

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: **Hourly wage for household employees on G-5 visas and terms of permissible deductions**

1. The purpose of the present circular is to inform staff members who hold a G-4 visa and employ a household employee to whom a G-5 visa has been granted of a diplomatic note received from the Permanent Mission of the United States of America to the United Nations (see annex to the present circular). The note concerns changes to the minimum hourly wage to be paid to such household employees and deductions from those mandated wages.

2. The United States Mission reiterated that, for all hours worked, personal servants, attendants and domestic workers who are in the United States in non-immigrant G-5 visa status must be paid the greater of the minimum wage under United States federal and state laws or the prevailing wage in the location where they are employed. The prevailing hourly wage has been established at $9.74 per hour for the New York City metropolitan area, exceeding the federal minimum wage of $7.25 per hour. All domestic employees on G-5 visas in the New York City metropolitan area must therefore be paid according to the prevailing wage, effective 15 March 2013, which is a minimum of $9.74 per hour for all hours worked. All new contracts between domestic workers and their employers must reflect at least the minimum hourly wage established for the New York City metropolitan area.

3. In addition, the United States Mission advises that it is not permissible to withhold from wages any amount for meals, housing or other expenses, such as the provision of medical care, medical insurance or travel.

4. All contracts or payment practices between domestic workers and their employers must be amended accordingly.

* The present circular, which will be in effect until further notice, supersedes ST/IC/2011/28.

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Annex

Diplomatic note dated 15 March 2013 from the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General

The United States Mission to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to its diplomatic circular HC-129-(S)-11 dated 28 September 2011 (available from http://usun.state.gov/about/host_aff/129277.htm) regarding the employment by United Nations staff members of personal servants, attendants and domestic workers who are in the United States in non-immigrant G-5 visa status. The United Nations Secretariat should note that for all hours worked, such domestic workers must be paid the greater of the minimum wage under United States federal and state laws or the prevailing wage in the location where they are employed.

The United States Mission to the United Nations wishes to inform the United Nations Secretariat that the United States Department of Labor's prevailing wage statistics for domestic workers have been updated. The Level One prevailing hourly wage for "Maids and Housekeeping Cleaners" is now $9.74 per hour in the New York City metropolitan area. This amount exceeds the federal minimum wage of $7.25 per hour, as well as the respective state minimum wages. Therefore, effective as of the date of this note, all domestic workers must be paid according to the prevailing wage rate of $9.74 per hour as noted above. In addition, all new contracts between domestic workers and their employers must reflect the updated amount and all contracts already in effect should be amended and initialled by both the domestic worker and the employer to reflect that this new rate is in effect.

The prevailing wage rates for domestic workers in the United States can be found online at the Foreign Labor Certification Data Center website (www.flcdatacenter.com).

The Department of State and the United States Mission also wish to remind the United Nations Secretariat that, according to circular note HC-129-(S)-11 dated 28 September 2011, it has been determined that providing meals and housing to domestic workers is for the benefit of the employer and, thus, that it is not permissible for the employer to withhold from the domestic worker's wages any amount for meals and housing. Further, the Department does not allow deductions from wages for any other expenses, such as the provision of medical care, medical insurance or travel. The United States Mission therefore suggests that Secretariat personnel be advised that if they have entered into contracts and/or payment practices with regard to domestic workers that provide for deductions from wages, such contracts and/or practices should be amended accordingly.